

1 CITY COUNCIL RESOLUTION NO. 10-_____

2 A RESOLUTION DENYING AN APPEAL BY MR. MARK SMITH AND PROVIDING
3 FOR CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT, ADOPTION OF
4 FINDINGS OF FACT & STATEMENT OF OVERRIDING CONSIDERATIONS AND
5 ADOPTION OF A MITIGATION MONITORING PROGRAM FOR THE BALTIMORE
6 RAVINE SPECIFIC PLAN AND STUDY AREA PROJECT

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8 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
9 AND ORDER AS FOLLOWS:

10 SECTION 1. The City Council held a properly noticed, public hearing at
11 its special meeting of January 13, 2011, to consider an appeal of the
12 Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is
13 proposed for the 406-acre Urban Reserve area situated in southwest Auburn.
14 The proposal includes certification of the project Environmental Impact Report
15 (including the Final EIR, Mitigation Monitoring Program, and the Findings of
16 Fact and Statement of Overriding Considerations), adoption of a Specific Plan
17 (the BRSP), adoption of a General Plan Amendment, approval of a Rezone,
18 approval of a Large Lot Tentative Subdivision Map, approval of a Development
19 Agreement, and adoption of Statement of Reasons for Permitting
20 Development within a Mineral Resource Zone.

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22 SECTION 2. The City of Auburn City Council has considered all of the
23 evidence submitted into the administrative record including:

- 24
25 1. The appeal application submitted by Mark Smith dated November
26 24, 2010.
27 2. Agenda reports prepared by the Community Development
28 Department for the January 13, 2011 City Council meeting and for

the December 15, 2009, July 13, 2010, September 21, 2010 and November 16, 2010 Planning Commission meetings.

3. Staff presentation at the public hearing held on January 13, 2011.
4. The Notice of Preparation (NOP) prepared for the Project (December 2007).
5. The NOP prepared for the Project (January 2009).
6. The Addendum to the 2009 NOP (April 2009).
7. All comments submitted by the public during the public comment period on the NOP's.
8. All public notices in conjunction with the Project.
9. The Draft EIR (DEIR).
10. All comments submitted by the public during the public comment period on the DEIR.
11. The Final EIR (FEIR) for the Project.
12. The Findings of Fact and Statement of Overriding Considerations for the Project.
13. The Mitigation Monitoring Program (MMP) for the Project.
14. All findings and resolutions adopted by the City in connection with the Project.
15. All reports, studies, memoranda, maps, and other planning documents relating to the Project prepared by the City, the City's consultants, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project.
16. All documents submitted to the City by agencies or members of the public in connection with the Project.
17. Any minutes or transcripts of public meetings held by the City for the Project.

1 18. Matters of common knowledge to the City, including, but not
2 limited to federal, state, and local laws and regulations.

3 19. Public comments, written and oral, received and/or submitted at or
4 prior to the public hearing, supporting and/or opposing the
5 applicant's request.

6 20. The City of Auburn General Plan, Zoning Ordinance, and all other
7 applicable regulations and codes.

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9 SECTION 3. In review of all the foregoing evidence, the Auburn City
10 Council finds that the Planning Commission properly made all applicable
11 findings and all applicable provisions of the municipal code have been
12 complied with. The City Council hereby denies the appeal filed by Mark Smith
13 against the Baltimore Ravine Specific Plan and Study Areas project.

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15 SECTION 4. The City of Auburn City Council hereby adopts the Findings
16 of Fact and Statement of Overriding Considerations prepared for the
17 Baltimore Ravine Specific Plan and Study Areas project, attached hereto as
18 [Exhibit A](#) to this resolution, and incorporated by this reference as if set forth
19 fully herein.

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21 SECTION 5. The City of Auburn City Council hereby certifies the
22 Environmental Impact Report prepared for the Baltimore Ravine Specific Plan
23 and Study Areas project.

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25 SECTION 6. The City of Auburn City Council hereby adopts the
26 Mitigation Monitoring Program (MMP) prepared for the Baltimore Ravine
27 Specific Plan and Study Areas project, which is incorporated as part of the
28 EIR.

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SECTION 7. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolutions of the City.

DATED: January 13, 2011

William W. Kirby, M.D., Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a special meeting of the City of Auburn City Council held on January 13, 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk